

**STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING**

Department of Public Health v.

**Johanna Trainor, R.N.**

Registered Nurse License No. R44579

60 Cote Road

Monson, Massachusetts 01057

CASE PETITION NO. 941121-10-107

**MEMORANDUM OF DECISION**

**INTRODUCTION**

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health and Addiction Services <sup>1/</sup> (hereinafter the "Department") with a Statement of Charges dated February 7, 1995 (Department Exhibit 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Johanna Trainor (hereinafter the "Respondent").

The Board issued a Notice of Hearing dated February 22, 1995 scheduling a hearing for May 3, 1995 (Department Exhibit 1). The hearing took place on May 3, 1995 at the Department of Public Health and Addiction Services, Second Floor Hearing Room, 20 Trinity Street, Hartford, Connecticut.

During the hearing the Department verbally amended the Statement of Charges by withdrawing Paragraphs 2a, 2b and 2c. (Hearing Transcript, May 3, 1995, p. 3)

<sup>1/</sup> Prior to July 1, 1995 the Department of Public Health was known as the Department of Public Health and Addiction Services. (Connecticut Public Act 95-257)

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's professional knowledge in evaluating the evidence.

### **FACTS**

Based on the testimony given and the exhibits offered into evidence, the Board made the following Findings of Fact:

1. Johanna Trainor, hereinafter referred to as the Respondent, was issued Registered Nurse License Number R44579 on June 1, 1989 and was the holder of said license at all times referred to in the Statement of Charges. (Department Exhibit 1-B)
2. Pursuant to the General Statutes of Connecticut, §4-182(c), the Respondent was provided full opportunity prior to the institution of agency action to show compliance with all the terms for the retention of her license. (Department Exhibit 1)
3. The Respondent was given due notice of the hearing and charges against her. Department Exhibit 1 indicates that the Notice of Hearing and Statement of Charges were delivered by certified mail to the Respondent and the Respondent's attorney.
4. The Respondent was present during the hearing and was represented by counsel. (Hearing Transcript, May 3, 1995, p. 2)
5. The Respondent submitted a written answer to the Statement of Charges. (Department Exhibit 1-A)
6. On or about November 5, 1994, while working as a nurse for Enfield Visiting Nurse Association, Inc., Enfield, Connecticut, the Respondent asked a resident in a patient's home to get her (Respondent) some of the patient's Zantac. (Answer: Department Exhibit 1-A) (Hearing Transcript, May 3, 1995, pp. 4-5)

### **DISCUSSION AND CONCLUSIONS**

In consideration of the above Findings of Fact, the following conclusions are rendered:

Johanna Trainor held a valid registered nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges sufficiently provided information as mandated by the General Statutes of Connecticut §4-177 and §4-182.

The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19-2a-1 through §19-2a-30 of the Regulations of Connecticut State Agencies. The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

PARAGRAPH 2d of the Statement of Charges, as amended, alleges that while working as a nurse for Enfield Visiting Nurse Association, Inc., Enfield, Connecticut, the Respondent asked a resident in a patient's home to give her some of the patient's Zantac on or about November 5, 1994.

The Respondent's admits this charge. (Answer: Department Exhibit 1-A)

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions...."

Based on its findings and the Respondent's admission, the Board concludes that the Respondent's conduct as specified in Paragraph 2d of the Statement of Charges, as amended, is proven and constitutes a violation of the General Statutes of Connecticut §20-99(2). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

ORDER

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

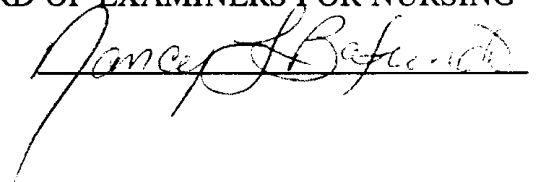
1. That for Paragraph 2d of the Statement of Charges, as amended, the Respondent is issued a letter of warning.
2. This Memorandum of Decision shall serve as the letter of warning.
3. This Memorandum of Decision becomes effective on the date it is signed by the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs the Respondent, Johanna Trainor, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 31st day of August, 1995.

BOARD OF EXAMINERS FOR NURSING

By

A handwritten signature in cursive script, appearing to read "James H. Beford", is written over a horizontal line.

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